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**ORDINANCE
NUMBER 2020-_____**

AN ORDINANCE OF LEVY COUNTY, FLORIDA, PROVIDING THAT THE LEVY COUNTY CODE BE AMENDED BY AMENDING CHAPTER 2 OF SUCH CODE; PROVIDING FOR ESTABLISHMENT OF CIVIL PENALTIES RELATED TO VIOLATIONS OF ANIMAL CONTROL REGULATIONS CONTAINED IN CHAPTER 14, LEVY COUNTY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on May 5, 2007, the Board of County Commissioners of Levy County, Florida (“the Board”), adopted Ordinance 2007-02, codified in the Levy County Code as Chapter 2, Article V, Ordinance Enforcement; and

WHEREAS, on June 23, 2015, the Board adopted Ordinance 2015-06, which amended Section 2-140 of such Chapter 2, Article V, of the Levy County Code; and

WHEREAS, on even date herewith, the Board adopted Ordinance 2020-____, which adopted a new Chapter 14, Animals, to the Levy County Code, containing regulations governing animal control, animal welfare, and animal cruelty; and

WHEREAS, the Board desires to amend sections of such Chapter 2, Article V, of the Levy County Code, to update citation and notification procedures related to ordinance enforcement, and for adoption of civil penalties for violations of the animal control regulations contained in Chapter 14, Levy County Code; and

WHEREAS, the Board finds it is in the best interests of the public to amend Chapter 2, Article V, Levy County Code, to provide for updated citation and notification procedures related to ordinance enforcement, and for adoption of civil penalties for violations of animal control regulations contained in Chapter 14, Levy County Code;

1 **BE IT ORDAINED**, by the Board of County Commissioners of Levy County, Florida:

2 **Section 1. Amendment of Section 2-121.** Section 2-121, Levy County Code, is
3 hereby amended to read as follows (deletions shown as ~~stricken through~~, additions shown
4 as underlined):

5 **Sec. 2-121. General enforcement provisions.**

6
7 (a) Except as otherwise provided in this code, it shall be unlawful for
8 any person to violate, or fail to comply with, any section or provision of this
9 Code.

10
11 (b) The sections or provisions of this code may be enforced by citation
12 as provided in division 2 of this article, by prosecution as misdemeanors as
13 provided in section 125.69(1), Fla. Stat., as the same may be amended, or
14 by any other means provided by law.

15
16 (c) In addition to any penalty or enforcement procedure provided by law
17 for the violation of any ordinance, or for any section or provision of this code,
18 the board of county commissioners may bring a civil action, or any other
19 action allowed by law, to remedy the violation.

20
21 (d) In the event the sections or provisions of this code are enforced by
22 means other than as provided in division 2 of this article or by an action
23 brought by the board of county commissioners, the county sheriff or any
24 deputy county sheriff, or any state law enforcement officer is hereby
25 authorized and empowered to provide such enforcement in accordance with
26 all applicable codes and laws.

27
28 (e) It shall be unlawful and a violation of this code to oppose, obstruct or
29 resist any code enforcement officer or other enforcement officer in the
30 discharge of the duties of such officer in enforcement of the provisions of this
31 code.

32
33 (f) Any code enforcement officer, or other enforcement officer, to the
34 extent allowed by law, shall be immune from civil or criminal prosecution for
35 reasonable, good faith entry upon property while in the discharge of duties of
36 enforcement of the provisions of this code.

1
2 **Section 2. Amendment of Section 2-136.** The definition of “code enforcement
3 officer” contained in section 2-136, Levy County Code, is hereby amended to read as
4 follows (deletions shown as ~~stricken through~~, additions shown as underlined), with all other
5 provisions of such section 2-136 to remain unchanged:

6 **Sec. 2-136. Definitions.**

7 . . .

8 *Code enforcement officer* means any designated employee or agent
9 of the county whose duty it is to enforce codes and ordinances enacted by
10 the county. Employees or agents who are designated as code enforcement
11 officers for purposes of this section may include, but are not limited to, code
12 inspectors, code compliance officers, code enforcement officers, the county
13 sheriff or deputy county sheriffs, any state law enforcement officers, animal
14 control officers, fire safety inspectors, ~~enforcement officer (as that term is~~
15 ~~defined in section 34-31 hereof)~~, landfill or recycle supervisors or employees,
16 or any other employee or agent designated as a code enforcement officer by
17 the county coordinator or county development department director.

18
19 **Section 3. Amendment of Section 2-139(a).** Section 2-139(a), Levy County
20 Code, is hereby amended to read as follows (deletions shown as ~~stricken through~~,
21 additions shown as underlined):

22 **Sec. 2-139. Citation notification and issuance procedures.**

23 . . .

24 (a) A code enforcement officer is authorized to issue a citation to a
25 person when, based on personal investigation, the officer has reasonable or
26 probable cause to believe that the person committed a civil infraction in
27 violation of a duly enacted code or ordinance, and that the county court will
28 hear the charge.

29 **Section 4. Amendment of Section 2-139(c)(7).** Section 2-139(c)(7), Levy
30 County Code, is hereby amended to read as follows, with the remainder of Section 2-139
31 to remain the same except as otherwise amended by Section 3 of this Ordinance
32 (deletions shown as ~~stricken through~~, additions shown as underlined):

1 **Sec. 2-139. Citation notification and issuance procedures.**

2 . . .

3 (7) The procedure for the person to follow in order to pay the civil
4 penalty, or to contest the citation, or to appear in court as may be
5 required.

7 **Section 5. Amendment of Section 2-139(c).** Section 2-139(c), Levy County
8 Code, is hereby further amended with the addition of a subsection (11) as follows, with the
9 remainder of such Section 2-139 to remain the same except as otherwise amended by
10 Section 2 of this Ordinance (deletions shown as ~~stricken through~~, additions shown as
11 underlined):

12 **Sec. 2-139. Citation notification and issuance procedures.**

13 . . .

14 (11) A conspicuous statement that, if a person is required to appear in
15 court, that person does not have the option of paying a fine in lieu
16 of appearing in court.

18 **Section 6. Amendment of Section 2-140.** Section 2-140(d), Levy County Code,
19 is hereby amended as follows with the remainder of such Section 2-140 to remain the
20 same except as otherwise amended by Section 5 of this Ordinance (deletions shown as
21 ~~stricken through~~, additions shown as underlined):

22 (d) If a person who has committed a civil infraction does not
23 contest the citation, a civil penalty of less than the maximum civil penalty
24 shall be assessed in accordance with the following schedule of violations and
25 penalties:

<i>Code or Ordinance Violated</i>	<i>Civil Penalty</i>	
<u>Section 14-31, Unlawful interference</u>	<u>Up to \$500.00 per violation</u>	
<u>Section 14-32. Dogs and cats offered for sale; age and health requirements</u>	<u>First violation</u>	<u>\$100.00</u>
	<u>Second violation</u>	<u>\$200.00</u>

	<u>Third violation</u>	<u>\$300.00</u>
	<u>Fourth violation</u>	<u>Up to \$500.00</u>
<u>Section 14-33, Rabies vaccination</u>	<u>First violation</u>	<u>\$50.00</u>
	<u>Second violation</u>	<u>\$100.00</u>
	<u>Third violation</u>	<u>\$150.00</u>
	<u>Fourth violation</u>	<u>\$200.00</u>
<u>Section 14-36, Miscellaneous violations</u>	<u>First violation</u>	<u>\$100.00</u>
	<u>Second violation</u>	<u>\$200.00</u>
	<u>Third violation</u>	<u>\$300.00</u>
	<u>Fourth violation</u>	<u>\$400.00</u>
<u>Section 14-38, Cruel treatment of animals</u>	<u>First violation</u>	<u>Up to \$500.00</u>
	<u>Up to \$500.00 and mandatory appearance for subsequent violations</u>	
<u>Section 14-40, Aggressive animal; failure to properly confine or control</u>	<u>First violation</u>	<u>\$150.00</u>
	<u>Second violation</u>	<u>\$250.00</u>
	<u>Third violation</u>	<u>\$350.00</u>
	<u>Fourth violation</u>	<u>\$450.00</u>
<u>Section 14-41, Bite reporting, quarantine, treatment and destruction</u>	<u>Up to \$500.00 per violation</u>	
<u>Section 14-43, Registration and maintenance of a dangerous dog</u>	<u>Up to \$500.00 per violation</u>	
<u>Section 14-47, Trapping of feral or</u>	<u>First violation</u>	<u>\$100.00</u>

<u>domesticated cat guidelines</u>		
	<u>Second violation</u>	<u>\$200.00</u>
	<u>Third violation</u>	<u>\$300.00</u>
	<u>Fourth violation</u>	<u>Up to \$500.00</u>
<u>Section 14-48, Transfer of an animal to an animal abuse offender and possession of an animal by an animal abuse offender prohibited</u>	<u>Up to \$500.00 per violation</u>	
Any section of chapter 34, article I, year-round water conservation measures and water shortage regulations	First violation	Verbal warning
	Second violation	Written warning
	Third violation	\$25.00
	Fourth violation	\$50.00
	Fifth and any subsequent violation	Up to \$500
Any section of chapter 34, article II, abandoned property, junk, trash and litter	First violation	\$50.00
	Second violation	\$100.00
	Third and any subsequent violation	\$250.00
Section 50-133, Preinspection of used mobile homes and building move-ons	\$50.00 plus double permit fees per violation, up to a maximum of \$500.00 per violation	
Section 50-772, Certificate of zoning compliance	\$50.00 plus double permit fees per violation, up to a maximum of \$500.00 per violation	
Section 50-773, Building permits	Double permit fees per violation, up to a maximum of \$500.00 per	

compliance	violation	
Section 50-774(e), Certificate of occupancy, rental units	\$100.00 per violation	
Section 50-719 I. or 50-719 II.(a), Mining and excavation of minerals, resources, or natural resources, and site reclamation; Special exception approval and excavation and fill permits required; vesting; exceptions; Special exception approval required	\$250.00 per violation	
Section 50-719 I. or 50-719 II.(b), Mining and excavation of minerals, resources, or natural resources, and site reclamation; Special exception approval and excavation and fill permits required; vesting; exceptions; Exemptions from special exception requirement but not excavation and fill permit requirement	\$100.00 plus double permit fees per violation, up to a maximum of \$500 per violation	
Section 66-1, Street naming and building numbering system	\$25.00 per violation	
Any other code or ordinance not specifically listed in this section 2-140	First violation	\$50.00
	Second violation	\$100.00
	Third and any subsequent violation	\$250.00

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Section 7. Amendment of Section 2-140. Section 2-140, Levy County Code, is hereby amended with the addition of a new subsection (e) as follows, and the redesignation of the current subsections (e), (f) and (g) to subsections (f), (g) and (h), respectively, and with the remainder of Section 2-140 to remain the same except as otherwise amended by Section 4 of this Ordinance (deletions shown as ~~stricken through~~, additions shown as underlined):

1 **Sec. 2-140. Civil penalties.**

2 . . .

3 (e) In addition to any civil penalty provided for in this section, the
4 person assessed such civil penalty shall pay a surcharge of five dollars (\$5)
5 on each civil penalty imposed for violation of a section or subsection of
6 Chapter 14, Levy County Code, or of any other ordinance or code section
7 relating to animal control or animal cruelty. The proceeds from such
8 surcharges shall be used to pay the costs of training for animal control
9 officers.

10 **Section 8. Conflicts.** In the event of a conflict between any provision of this
11 ordinance and any other ordinance or provision of law, the provision of this ordinance shall
12 control to the extent of the conflict, as allowable under law.

13 **Section 9. Severability.** It is declared to be the intent of the Board that if any
14 section, subsection, sentence, clause, phrase, portion or provision of this ordinance is for
15 any reason declared or held invalid or unconstitutional by any court of competent
16 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision shall
17 be deemed a separate, distinct and independent provision, and the remainder of this
18 ordinance shall be not affected by such declaration or holding.

19 **Section 10. Repealing Clause.** All ordinances or parts of ordinances and all
20 resolutions or parts of resolutions of Levy County in conflict herewith are hereby repealed
21 to the extent of such conflict.

22 **Section 9. Effective Date.** This ordinance shall take effect upon its filing in the
23 Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this ____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA**

_____, Chair

ATTEST: Danny J. Shipp, Clerk of
the Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

Danny J. Shipp

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Anne Bast Brown, County Attorney

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